IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1435 OF 2006

M/s. Rajesh Steel Industries ..Petitioner.

Vs.

Laxman Bhagoji Jadhav ..Respondent.

....

Mr. A.K. Jalisatgi for the Petitioner.

CORAM: DR. D.Y. CHANDRACHUD, J.

16th June, 2006.

P.C. :

The case of the workman was that he was in the employment of the Petitioner from 1st June, 1985. He was in employment for a period of nine years. He proceeded on leave for a period of seven days from 10th to 18th March, 1994. He was unable to report back for duly on 18th March, 1994. When he reported on 25th March, 1994 he was not permitted to resume duties and eventually he was informed that some other workman has been appointed in his place. The Labour Court has held that the witness of the employer admitted that neither a memo was addressed to the workman at any stage nor was an enquiry held. Counsel appearing for the Petitioner stated that an interim order was passed by the Labour Court on 31st January, 1998 requiring

the employer to provide work to the workman. The establishment of the Petitioner was closed with effect from August 1999. The contention of the employer is that on 16th October, 1998 and 25th November, 1998 letters were once again addressed to the workman that he had failed to carry out the duties which had been assigned to him. However, the fact remains that from March 1994 at any rate till January 1998 the workman was foreclosed from rendering duties though he had reported for work. The salary of the workman was Rs.1,800/- and from August 1999 the establishment has been closed. A sum of Rs.1.25 lacs compensation was awarded by the Labour Court. Having regard to the length of service and the period during which the workman was precluded from rendering his duties, I am of the view that the amount of compensation is just and fair. In such circumstances, no case for interference under Article 227 is made out. The Petition shall stand dismissed.